

# EXHIBIT 3

**DECLARATION OF JAMES RIDING IN, Ph.D.**

Dr. James Riding In makes the following declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. My name is James Riding In and I am a citizen of the Pawnee Nation of Oklahoma and an associate professor of American Indian Studies at Arizona State University (ASU) in Tempe, Arizona. I have an associate's degree in general education from Haskell Indian Junior College (now called Haskell Indian Nations University), a bachelor's degree in history from Fort Lewis College, and a master's degree in American Indian Studies and a doctoral degree in history from the University of California, Los Angeles. My current curriculum vitae is attached to this declaration. I am over the age of eighteen and have never been convicted of a felony or crime involving moral turpitude. I am of sound mind and am competent to make this declaration. The facts stated in this Declaration are within my personal knowledge and are true and correct.

2. As a Pawnee, I have been associated throughout my life with Indian males who have worn their hair long and in braids. I have lived most of my life among Indians from various tribal backgrounds, including Pawnees, Northern Cheyennes, Navajos, Zunis, and Pueblos. Following my discharge from the U.S. Navy in 1972, I grew my hair long as an expression of my Indian heritage and my right of freedom of expression. Many of my male Pawnee ancestors wore their hair long and in braids in accordance with their cultural norms. Many Indians today wear their hair long for spiritual reasons, and will only cut it as part of their mourning for the death of a close relative or friend, while others wear it long as an expression of cultural pride, and still others keep it long for the sake of custom.<sup>1</sup> Long hair, whether worn in braids, a

ponytail, or loose, is an important aspect of American Indian identity in both historical and contemporary settings.

3. Since beginning my teaching career at ASU in 1990, much of my teaching, research, and service have pertained to American Indian issues. I have taught various courses that integrate Indian cultural issues and concerns in my courses, which include introduction to American Indian Studies (AIS180), Federal Indian Policy (AIS 385), American Indian Cultural Resources and the Law (AIS 494), U.S. Courts and Indian Sovereignty (AIS 280), and Research Methods (AIS 420). At ASU, I have also taught additional courses dealing such issues as religious oppression, racism, civil rights denial, and other forms of social injustice.

4. My teaching often calls into question the coercive aspects of federal Indian policy during the late nineteenth and twentieth centuries that sought to transform Indians into mirror images of white Americans through boarding schools, where the hair of boys and girls was forcefully cut and students were subjected to harsh punishment for speaking their language and practicing their customary forms of worship.<sup>2</sup> Oral history from my father, grandparents, and other relatives have informed me that they witnessed and experienced these forms of abusive treatment while attending boarding school. My teaching also deals with the federal Codes of Indian Offenses implemented by the Bureau of Indian Affairs, which began during the 1880s. These codes allowed federal agents to jail and cut off the rations of Indians convicted of the “crimes” of performing traditional Indian dances and of obtaining the services of medicine men.<sup>3</sup>

5. For many years, my research has addressed issues pertaining to American Indian histories and cultures, religious freedom, sacred sites protection, and the repatriation of ancestral human remains and funerary objects from museums and federal agencies, graves protection,

among other things.<sup>4</sup> These experiences have contributed to my understanding of the history of Indian relations with the U.S. government and its citizens.

6. I am acutely aware that American Indians have suffered generational persecution for defying the demands of dominant society to cut their hair in conformity with white American standards. Many nineteenth- and twentieth-century non-Indians viewed the wearing of long hair and braids by Indian males as contrary to dominant society's plan of assimilation.<sup>5</sup> Indian men<sup>6</sup> and boys,<sup>7</sup> in particular, have been denied the right to wear their hair long in schools, prisons, the armed services, and other settings.<sup>8</sup> Because of this egregious legacy of cultural repression, of which the hair matter was just one of many cultural survival issues facing Indian peoples, growing numbers of Indians rejected their customary beliefs. Others sought to avoid persecution and stigmatization by denying their Indian identity and heritage.<sup>9</sup>

7. I know that the repression that characterizes the hair issue falls squarely within the larger context of colonialism. Indians had their lands invaded, and many of them experienced premature deaths, dispossession, cultural erosion, and tribal fragmentation. The resulting diaspora, either voluntary or forced, removed many Indians from the heartland of their cultures. To escape persecution, many Indians sought to identify themselves with the colonizer, and refused to hand down cultural information to their children.<sup>10</sup>

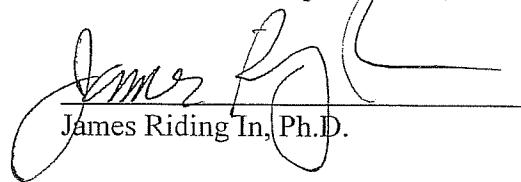
8. Researchers have found that Indians often suffer the effects of collective historical trauma, or historical unresolved grief, and that many of the social problems confronting Indian populations today are the result of colonization. Indians are more likely than other Americans to die in automobile accidents and from alcoholism, preventable disease, suicide, drowning, murder, and burns.<sup>11</sup> These researchers attribute much of this trauma to the practices of boarding

school.<sup>12</sup> By extension, public, private, and parochial schools that deny Indian youth the right to wear their hair long are guilty of this type of abuse.

9. I am also aware that many Indians found ways to maintain their cultural heritage and today others who lost their identity are seeking to reclaim it. Native scholars have termed this process “decolonization.”<sup>13</sup> The wearing of long hair, reclaiming of spiritual traditions, and re-adoption of traditional values and beliefs are manifestations of this process of decolonization. Decolonization is seen as a means of achieving cultural and individual healing.

10. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on September 25, 2008



James Riding In, Ph.D.

<sup>1</sup> Morris Edward Opler, *An Apache Life-Way: The Economic, Social, and Religious Institutions of the Chiricahua Indians* (Lincoln and London: University of Nebraska Press, 1966), 20, 293, 475.

<sup>2</sup> Barbara Perry, *Silent Victims: Hate Crimes against Native Americans* (Tucson: University of Arizona Press, 2008), 31-33.

<sup>3</sup> Letters of [Henry] M. Teller, Secretary of the Interior, December 2, 1882, and Hiram Price, Commissioner of Indian Affairs, March 30, 1883,  
<http://relinon.files.wordpress.com/2007/11/code-of-indian-offenses.pdf>.

<sup>4</sup> See generally, James Riding In, “Graves Protection and Repatriation: An Unresolved Universal Human Rights Problem Affected by Institutional Racism,” *Treganza Museum Occasional Papers*, Special Issue on Anthropology and Human Rights, Department of Anthropology, San Francisco State University. No. 24 (2007-2008): 37-42; “*The United States v. Yellow Sun et al.* (The Pawnee People): A Case Study of Institutional and Societal Racism and U.S. Justice in Nebraska from the 1850s to 1870s,” *Wicazo Sa Review* 17 (Spring 2002): 13-41; “Repatriation: A Pawnee’s Perspective,” *American Indian Quarterly* 20 (Spring 1996): 238-50; “Six Pawnee Crania: The Historical and Contemporary Significance of the Massacre and Decapitation of Pawnee Indians in 1869,” *American Indian Culture and Research Journal* 16, no. 2 (1992): 101-17; “Decolonizing NAGPRA,” in *For Indigenous Eyes Only: A Decolonization Handbook*, Waziyatawin Angela Wilson and Michael Yellow

---

Bird, eds. (Santa Fe: School of American Research, 2005), 53-66; and “Our Dead Are Never Forgotten: American Indian Struggles for Burial Rights and Protections,” in “*They Made Us Many Promises: The American Indian Experiences, 1524 to the Present.* 2<sup>nd</sup> ed., Philip Weeks, ed., (Wheeler: Harlan Davidson, Inc., 2002), 291-323.

<sup>5</sup> For a discussion of legal challenges to the denial of Indian students to wear their hair long, see generally, Timothy S. Zahniser, “*Alabama & Coushatta Tribes v. Big Sandy School District*”: The Right to Native American Public School Students to Wear Long Hair,” *American Indian Law Review* 19, no. 1 (1994): 217-39.

<sup>6</sup> George E. Tinker, *Missionary Conquest: The Gospel and Native American Cultural Genocide* (Minneapolis: Fortress Press, 1993), 100, 161 n24. *Warsoldier v. Woodward*, F.3d\_, 2005 WL 1792117 (9<sup>th</sup> Cir. 2005). Warsoldier, an Apache/Cahuilla Indian, was an inmate in the California Department of Corrections penal system when he filed suit, won the right in a Ninth Circuit Court decision to wear his hair long in accordance with his religious beliefs. He filed suit under the Religious Land Use and Institutionalized Persons Acts of 2000. Morris E. Opler, *Apache Odyssey: A Journey between Two Worlds* (Holt, Rinehart and Winston: New York, 1969), 184, discusses the cultural significance of long hair among Apaches.

<sup>7</sup> *New Rider v. Board of Education of Independent School District No. 1, Pawnee County, Oklahoma, et al.* 414 U.S. 1097, 1098 (1973); Jeffrey Ostler, *The Plain Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004), 149-68.

<sup>8</sup> Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University of Kansas Press, 1995), 100-03. Wallace discussed forced haircuts in the context of an assault on the school children’s cultural identity. Native students entering medical school must also cut their hair, see Donald Warne, “Ten Indian Health Policy Challenges for the New Administration in 2009,” *Wicazo Sa Review* 24, no. 1 (Spring 2009): forthcoming.

<sup>9</sup> Tinker, *Missionary Conquest*, 117-19. See generally, George E. Tinker, *Spirit and Resistance: Political Theology and American Indian Liberation* (Minneapolis: Fortress Press, 2004).

<sup>10</sup> Donald L. Fixico, *Termination and Relocation: Federal Indian Policy, 1945-1960* (Albuquerque: University of New Mexico Press, 1986), 157.

<sup>11</sup> See generally, Warne, “Ten Indian Health Policy Challenges.”

<sup>12</sup> See generally, Eduardo Duran, *Healing the Soul Wound: Counseling with American Indians and Other Native Peoples* (New York: Teachers College Press, 2006); Eduardo Duran, Bonnie Duran, and Maria Yellow Horse Brave Heart, “Healing of the Soul Wound,” in *International Handbook of Multigenerational Legacies of Trauma* (New York: Plenum Press, 1998), 341-54.

<sup>13</sup> See generally, Waziyatawin Angela Wilson and Michael Yellow Bird, eds., *For Indigenous Eyes Only: A Decolonization Handbook* (Santa Fe, NM: School of American Research Press, 2005).

## Curriculum Vitae

James Riding In  
American Indian Studies  
P.O. Box 874603  
Arizona State University  
Tempe, AZ 85287  
Pawnee1@asu.edu

August 2008

### EDUCATION

1991	Ph.D.	University of California, Los Angeles, U.S. History
1985	MA	University of California, Los Angeles, American Indian Studies
1977-1979		Graduate courses in History, University of New Mexico
1976	BA	Fort Lewis College, Durango, CO, History
1974	AA	Haskell Indian Junior College, Lawrence, KS, General Education

### TEACHING/ADMINISTRATIVE POSITIONS

Associate Professor, American Indian Studies, Arizona State University, 6/04 to present.  
Chair, Board of Trustees, Pawnee Nation College, 8/2005 to present  
Editor, *Wicazo Sa Review: A Journal of Native American Studies*, 2003 to present.  
Interim Director, American Indian Studies, Arizona State University, 6/04 to 8/04.  
Associate Professor, School of Justice Studies, Arizona State University, 8/98 to 5/04.  
Affiliated Faculty, School of Justice and Social Inquiry, 6/04 to present.  
Affiliated Faculty, American Indian Studies, Arizona State University, 8/00 to 6/04.  
Interim Director, American Indian Studies, Arizona State University, 8/98 to 9/99.  
Director, American Indian Justice Studies Certificate Program, Arizona State University, 8/93 to 9/99.  
Assistant Professor, School of Justice Studies, Arizona State University, 8/92 to 8/98  
Lecturer, School of Justice Studies, Arizona State University, 8/90 to 8/92.  
Teaching Assistant, Department of History, UCLA, 10/88 to 6/89.  
Adult Education Instructor, Los Angeles Indian Centers, Inc., CA, 10/83 to 8/84.  
Social Studies Instructor, Zuni Learning Center, Zuni Pueblo, NM, 9/79 to 8/83.  
Supervisory Guidance Counselor, Albuquerque Indian School, Albuquerque, NM, 8/76 to 6/77.  
Student Teacher, Fort Wingate High School, Fort Wingate, NM, 3/76 to 7/76.

### RESEARCH/CREATIVE ACHIEVEMENTS

#### Book

Miller, Susan A. and James Riding In, eds. "Native America Writes Back: The Decolonization Reader in American Indian History." Accepted for publication at Texas Tech University Press; contract in negotiation.

### Referred Journal Articles

Riding In, James. "Graves Protection and Repatriation: An Unresolved Universal Human Rights Problem Affected by Institutional Racism." *Treganza Museum Occasional Papers*, Special Issue on Anthropology and Human Rights, Department of Anthropology, San Francisco State University. No. 24 (2007-2008): 37-42.

Riding In, James. "*The United States v. Yellow Sun et al.* (The Pawnee People): A Case Study of Institutional and Societal Racism and U.S. Justice in Nebraska from the 1850s to 1870s." *Wicazo Sa Review: A Journal of Native American Studies* 17 (Spring 2002): 13-41.

Riding In, James. "Repatriation: A Pawnee's Perspective." *American Indian Quarterly* 20 (Spring 1996): 238-50.

Reprinted in Endicott, Kirk M. and Robert Welsch. *Taking Sides: Clashing Views on Controversial Issues in Anthropology*. 2<sup>nd</sup> ed. Guilford: McGraw-Hill/Dushkin, 2004, 304-12.

Reprinted in Endicott, Kirk M. and Robert Welsch. *Taking Sides: Clashing Views on Controversial Issues in Anthropology*. Guilford: McGraw-Hill/Dushkin, 2001, 340-48.

Reprinted in Mihesuah, Devon, ed. *Repatriation Reader: Who Owns American Indian Remains?* Lincoln, NE: University of Nebraska Press, 1999, 106-20.

Riding In, James. "The Politics of the Columbus Celebration: A Perspective of Myth and Reality in United States Society." *American Indian Research and Culture Journal* 17, No. 3 (1993): 1-9.

Riding In, James. "Six Pawnee Crania: The Historical and Contemporary Significance of the Massacre and Decapitation of Pawnee Indians in 1869." *American Indian Culture and Research Journal* 16, No. 2 (1992): 101-17.

Reprinted in Gong, Gwendolyn and Sam Dragga. *The Writers Repertoire*. New York: Harper Collins College Publishers, 1995, 580-604.

### Nonreferreed Journal Articles

Riding In, James. "American Indian Studies: Our Challenges." *Wicazo Sa Review* 23 (Spring 2008). Forthcoming.

O'Brien, William Patrick, Maceo Daily, James Riding In, "The Warriors Project: Diversity and the Interpretation of American History in the U.S. National Park Service." *The International Journal of Diversity in Organisations, Communities, and Nations* 7, no. 4 (2007): 285-92.

Riding In, James. "Without Ethics and Morality: A Historical Overview of Imperial Archaeology and American Indians." *Arizona State Law Journal* 24 (Spring 1992): 11-34.

Riding In, James. "The Contracting of the Albuquerque Indian School." *Indian Historian* 11 (December 1978): 20-29.

### Book Chapters

Riding In, James. "Decolonizing NAGPRA." In *For Indigenous Eyes Only: A Decolonization Handbook*. Edited by Waziyatawin Angela Wilson and Michael Yellow Bird. Santa Fe: School of American Research, 2005, 53-66.

Riding In, James. "Legacy of Resistance." In *Beyond the Reach of Time and Change: Native American Reflections on the Frank A. Rinehart Photograph Collection*. Edited by Simon Ortiz. Tucson: University of Arizona Press, 2004, 52-55.

Riding In, James. "The Native American Graves Protection and Repatriation Act and American Indian Religious Freedom." In *Native Americans*. American Political History Series. Edited by Donald A. Grinde, Jr. Washington, D.C: CQ Press, 2002, 107-16.

Riding In, James. "Our Dead Are Never Forgotten: American Indian Struggles for Burial Rights and Protections." In "They Made Us Many Promises: The American Indian Experiences, 1524 to the Present. 2<sup>nd</sup> ed. Edited by Philip Weeks. Wheeling: Harlan Davidson, Inc., 2002, 291-323.

Riding In, James. "Images of Indians: American Indians in Popular Culture--A Pawnee's Experiences and Views." Editors, Coramae Richey Mann and Marjorie S. Zatz. *Images of Color/Images of Crime*. Los Angeles: Roxbury Publishing Company, 1998.

Reprinted in Mann, Coramae Richey and Marjorie S. Zatz., eds. *Images of Color/Images of Crime*. 2<sup>nd</sup> ed. Los Angeles: Roxbury Publishing Company, 2002, 14-27.

Riding In, James. "Pawnee Repatriation Initiatives." In *Native Graves Protection and Repatriation Act: 1990 (NAGPRA) Compliance Workshop Proceedings*. Edited by Myra J. Giesen. Lenexa: Sloan Printing, 1995.

Riding In, James. "Scholars and Twentieth-Century Indians: Reassessing the Recent Past." In *New Directions in American Indian History*. Edited by Colen G. Calloway. Norman: University of Oklahoma Press, 1988. 127-49.

### Monographs

Riding In, James. *Massacre Canyon: A Brief History*. Prepared for the Massacre Canyon Monument and Visitor's Center. Trenton: NE, [1999].

Lujan, Carol Chiago, James Riding In, and Rebecca Tsosie. "Justice in Indian Country: A Process Evaluation of the Department of Justice's Indian Justice Country Justice Initiative." Prepared for the National Institute of Justice, 1998.

### **Encyclopedia Articles**

Riding In, James. "Repatriation." *American Indian Religious Traditions: An Encyclopedia*. 3 volumes. Edited by Suzanne J. Crawford and Dennis F. Kelley. Oxford, Denver, and Santa Barbara: ABC-CLIO, 2005.

"Geronimo. *Encyclopedia of North American Indians*. Boston and New York: Houghton Mifflin Company, 1996, 220-23.

"Reservations." *Encyclopedia of North American Indians*. Boston and New York: Houghton Mifflin Company, 1996, 546-49.

### **Published Reports**

Riding In, James. "Report Verifying the Identity of Six Pawnee Scout Crania at the Smithsonian Institute and the National Museum of Health and Medicine." In *Hearings on S. 1021 and S. 1980 Before the Senate Select Committee on Indian Affairs*, 101st Congress, 2d Session (May 1990), 211-29.

Riding In, James, John Red Horse, and Jeremy P. Rockman. *Our Voices, Our Vision: Indians Speak Out for Academic Excellence*. College Entrance Examination Board, 1989.

### **Special Journal Editorship**

Riding In, James. *Colonization/Decolonization. Wicazo Sa Review* 19 (Fall 2004).

Riding In, James and Elizabeth Cook-Lynn. *Indians and Lewis and Clark. Wicazo Sa Review* 19 (Spring 2004).

Riding In, James. *Encounter of Two Worlds: The Next Five Hundred Years. American Indian Culture and Research Journal* 17, No. 3 (1993).

### **Other Publications**

Riding In, James. "Editor's Commentary." *Wicazo Sa Review* 22 (Fall 2007): 5-6.

Riding In, James. "Editor's Commentary." *Wicazo Sa Review* 21 (Fall) 2006): 5-6.

Riding In, James. "Editor's Commentary." *Wicazo Sa Review* 21 (Spring 2006): 5-7.

Riding In, James and Chris Pexa. "Editor's Commentary." *Wicazo Sa Review* 20 (Fall 2005): 5-13.

Riding In, James. "Editor's Commentary." *Colonization/Decolonization, II. Wicazo Sa Review* 20 (Spring 2005): 5-7.

Riding In, James. "Editor's Commentary." *Colonization/Decolonization, I. Wicazo Sa Review* 19 (Fall 2004): 5-8.

Riding In, James. "Protecting Native American Human Remains, Burial Grounds, and Sacred Places." *Colonization/Decolonization, I. Wicazo Sa Review* 19 (Fall 2004): 171-75.

Elizabeth Cook-Lynn and James Riding In. "Editor's Commentary." *Indian Encounters with Lewis and Clark. Wicazo Sa Review* 19 (Spring 2004): 5-10.

Riding In, James. "Should Alternative Views of History Be Promoted?" *NEA Higher Education Advocate* 10, No. 1, (1992): 8.

Gonzales, M. Christina, James Riding In, and Calbert A. Seciwa. "American Indian Perspective." *Harmonizing Arizona's Ethnic and Cultural Diversity*, 60th Arizona Town Hall, 1992. Tempe: Arizona State University, 1992, 55-59.

#### Papers Presented at Scholarly Meetings

"Pawnee Sacredness and Colonialism." University of Pennsylvania, Philadelphia, June 20, 2006.

"Spiritual Genocide: The Snowbowl Case." American Indian Studies Consortium Conference. Arizona State University, Tempe, February 16, 2006.

"U.S. Colonialism and the Pawnee Scouts: A Critical Historical Assessment." Covering U.S. Empires Conference, University of Michigan, Ann Arbor, 2004.

"Decolonizing NAGPRA." Creating a Decolonization Workbook Workshop. School of American Research, Santa Fe, NM, 2004

"The Pawnees and White American Justice, 1818 to 1872." Society of American Ethnohistory Conference, Tucson, AZ, 2001.

"Tirawahut's Land and Manifest Destiny: A Discussion of Pawnee Sacred, Cultural, and Historical Sites and the Effects of U.S. Expansion on Them," Sacred Lands: Plains Indian Seminar, Buffalo Bill Historical Center, Cody, WY, 2000.

"Repatriation, Tribal Sovereignty, and Cultural Survival." Symposium on Land, Culture and Community: Contemporary Issues in Cultural Resources Protection, Arizona State University School of Law, Tempe, 1999.

"White Justice/Pawnee Indians." Law and Society Conference, Aspen, CO, 1998.

"Two Centuries of White Images of Pawnee Indians." Popular Culture Association Conference, San Antonio, TX, 1997.

"Justice and Indian-White Relations in the Nineteenth Century." American Society of Criminology Conference, Phoenix, AZ, 1993.

"Cultural Change and Retention: A Pawnee Case Study." Organization of American Historians, Anaheim, CA, 1993.

"American Indian Cultural Survival: A Pawnee Case Study." American Indian Cultural Survival Conference, Western Michigan University, Kalamazoo, MI, 1992.

"Pawnee Encounters with White American Judicial Systems, 1869-1872." Organization of American Historians, Louisville, KY, 1991.

"Impact of the Dawes Act on the Pawnee Nation, 1892-1934." American Indians in Contemporary Life Conference, UCLA, Los Angeles, CA, 1985.

"The Contracting of the Albuquerque Indian School." New Mexico State Historical Society Conference, Taos, NM, 1979.

### Book Reviews

Fine-Dare, Kathleen S. *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*. Lincoln and London: University of Nebraska Press. In *Great Plains Research* 14 (Fall 2004): 358-59.

Frantz, Klaus. *Indian Reservations in the United States: Territory, Sovereignty, and Socioeconomic Change*. Chicago: University of Chicago Geography Research Papers, 1999. In *Great Plains Research* 11 (Spring 2001): 194.

Wishart, David. *An Unspeakable Sadness: The Dispossession of the Nebraska Indians*. Lincoln: University of Nebraska Press, 1996. In *Pacific Historical Quarterly* 65 (August 1996): 481-82.

Price, III, H. Marcus. *Disputing the Dead: U.S. Law on Aboriginal Remains and Grave Goods*. Columbia: University of Missouri Press, 1991. In *American Indian Culture and Research Journal* 16, No. 4 (1992): 215-18.

Foster, Morris W. *Being Comanche: A Social History of an American Indian Community*. Tucson: University of Arizona Press, 1991. In *Journal of American History* 79 (December 1992): 1192-93.

Blaine, Martha Royce. *Pawnee Passage: 1870-1875*. Norman: University of Oklahoma Press, 1990. In *Western Historical Quarterly* 22 (November 1991): 497-98.

### Research Reports

Riding In, James. "Three Case Studies of Federal NAGPRA Compliance." Prepared for the Makah Tribe and the National Association of Tribal Historic Preservation Officers, October 21, 2007.

Adams, Gordon and James Riding In. "Final Preliminary Report: Report Documenting Pawnee Ancestry on the Central Plains: Claiming Human Remains and Funerary Objects Classified as Culturally Unidentifiable by Museums and Federal Agencies." Report prepared for the Pawnee Nation Repatriation Committee, Pawnee Nation, OK, August 7, 2006.

Riding In, James. "Preamble, Recommendations for Disposition of 'Culturally Unidentifiable.'" Arizona State University, School of Law, 2001. (Wrote this preamble on behalf of a coalition of American Indian nations.)

Riding In, James. "National Historic Context Study: History of Civil Rights, The American Indian Movement." Report prepared for the National Park Service and Organization of American Historians, 2001.

Riding In, James. "Chronology of the Conveyances of Mission Park: Preliminary Findings." Preliminary report prepared for President Robert Chapman, Pawnee Nation, Pawnee, OK, 2000.

Riding In, James. "Ways for a Museum to Develop Meaningful Pawnee Exhibits, Displays, and Installations." Prepared for Donald Fixico, Indigenous Nation Studies Program, University of Kansas, Lawrence, 2000.

Riding In, James. "Pawnee Collections at the Denver Art Museum and Colorado Historical Society." Report prepared for the Pawnee Business Council, Pawnee Nation of Oklahoma, 1996.

Riding In, James. "Native American Graves Protection and Repatriation Act Summaries: A Report Concerning Pawnee Religious and Cultural Objects Held in America's Institutions." Report prepared for the Repatriation Committee, Pawnee Nation of Oklahoma, 1995.

Riding In, James. "Homeless People in Maricopa County: An Historical Perspective." *Reflections on Homelessness in Maricopa County: A Preliminary Report of the Research Project for Homeless People*. College of Public Programs, Arizona State University, 1994.

Adams, Gordon F., James Riding In, and Virgil Wade. "Pawnee Sacred Objects and Cultural Patrimony." Report prepared for the Repatriation Committee, Pawnee Nation of Oklahoma, 1994.

Riding In, James and Roger C. Echo-Hawk. "Sacred Bundles, Religious Objects, Cultural Artifacts, and Human Remains: Findings Concerning the Pawnee Collections at the Field Museum of Natural History." Report prepared for the Reburial Committee, Pawnee Nation of Oklahoma, 1993.

Riding In, James. "The Symbology of Color: A Preliminary Report Concerning the Meanings of the Term Redskin in Nebraska Newspapers during the 1860s and 1870s." Report prepared for Dorsey and Whitney Law Firm, Minneapolis, MN, 1993.

Riding In, James. "The Removal of the Pawnee Indians from Nebraska to Black Bear Creek and the Transformation of Their New Reservation, 1873 to 1893." Report prepared for the Nasharo (Chiefs) Council, Pawnee Nation of Oklahoma, 1993.

Riding In, James. "Report Verifying the Identity of Six Pawnee Scout Crania at the Smithsonian Institution and the National Museum of Health and Medicine: Part II, A Supplemental Analysis of Recently Obtained Data in Behalf of the 'Pawnee Tribal Repatriation Struggle.' Report prepared for the Native American Rights Fund, Boulder, CO, 1992.

---

Riding In, James. "Reclaiming Our Pawnee Dead." Report prepared for the Native American Rights Fund, Boulder, CO, 1989.

Riding In, James, John Red Horse, and Jeremy P. Rockman. "National Dialogue Project on American Indian Education, Final Report." Report prepared for the American Indian Science and Engineering Society, Boulder, CO, 1989.

Riding In, James. "National Dialogue Project on American Indian Education, Northeast/Woodlands Regional Report." Report prepared for the American Indian Science and Engineering Society, Boulder, CO, 1988.

Riding In, James. "National Dialogue Project on American Indian Education, Southwest/Desert Regional Report." Report prepared for the American Indian Science and Engineering Society, Boulder, CO, 1988.

### **Educational Video Participation**

On-camera interview. *American History in the Making*, Red Door Films, Oakland, CA, May 23, 2006.

Consultant and on-camera interview. *Who Owns the Past?* N. Jed Riffe & Associates, Berkeley, CA, 1994-2001. Aired on PBS in 2001 and various times since.

Video Script Writer (with Patty Talahungva) and Historical Consultant. *The Fort McDowell Yavapai: People of the Red Mountain*. Fort McDowell Mohave-Apache Indian Community, 1998 to 1999.

On-camera interview. *The Story of America*, Partisan Pictures, New York City, NY, 1997.

On-camera interview and historical consultant. *Chatiks si Chatiks: The Pawnees' Story*, Nebraska ETV Network, 1993 to present.

On-camera interview. *A Writers Exchange: Program 21, Developing and Supporting a Thesis Statement*. Dallas County Community College District, 1996 (air nationally over educational television channels).

On-camera interview and historical consultant. *In Search of the Overland Trail*, Oregon Public Broadcasting and Nebraska ETV Network, 1992 to 1996. Aired on PBS in 1996 and various time since.

On-camera panelist. *The Way West Symposium*, Nebraska State Historical Society, Lincoln, 1995.

On-camera interview. *The Real West*, "Indians and the Army," Greystone Production, Burbank, CA, 1993. Aired in 1993 and various times since.

Work credited. *The Thieves of Time*, KAET TV Production, Arizona State University, 1992. Aired in 1992 and various times since.

On-camera interview and consultant. *From the Heart of a Child*, College of Eastern Utah, 1991

## WORKS IN PROGRESS

Riding In, James. *Keepers of Tirawahut's Covenant: Pawnee Cultural Survival in Nebraska*.

Riding In, James. *The Story of the American Indian Repatriation Movement*.

## GRANTS AND PROPOSALS

Principal Investigator. "The American Indian Oral History Project: Seeking Tribal Remembrances of Buffalo Soldiers among Apaches of Arizona and New Mexico." National Park Service, November 2006. Funded \$5,000.

Principal Investigator. "American Indians and the Santa Fe Trail." Long Distance Trails Group Office-Santa Fe of the National Park Service, 2002 to present. Funded \$57,000.

Principal Investigator. "American Indians and the Santa Fe Trail." Wassaja Grant. Fort McDowell Yavapai Nation, 2004. Funded \$5,000.

Riding In, James and Charles Colbert. "The Second Wassaja Initiative." American Indian Academic Council, Arizona State University, 1999. A proposal presented to the Fort McDowell Mohave Apache Indian Community. Funded \$333,333.

Riding In, James, et al. "Proposal Request for Planning Authority for an American Indian Studies Program at Arizona State University." American Indian Studies, Arizona State University, 1998. Approved by the Arizona Board of Regents, January 1999.

Evaluator. "Indian Country Justice Initiatives Evaluation Plan." National Institute of Justice, Department of Justice, 1996 to 1999.

Principal Investigator. "The Transformation of the Pawnee System of Justice." Dean's Incentive Grant, College of Public Program, Arizona State University, 1996.

Lujan, Carol C. and James Riding In, Co-Principal Investigators. "Development of an American Indian Studies Policy Center at ASU." Dean's Incentive Grant, College of Public Programs, Arizona State University. 1996. Funded.

Co-author. Task Force on the ASU Intergroup Relations Center. "Proposal for the Development of the ASU Intergroup Relations Center." Arizona State University, 1996. Funded.

Riding In, James. "Cultural Change and Survival among Twentieth-Century Pawnee Indians," Dean's Incentive Grant, Arizona State University, 1995. Funded.

Riding In, James and Carol C. Lujan. "American Indian Justice Studies Certificate Program Funding Proposal to the School of Justice Studies," Arizona State University, 1995. Funded

Lujan, Carol C., Rita Mae Kelly, James Riding In, and A. J. Jaimes. "Planning Grant to Develop a Proposal to the Rockefeller Foundation for an American Indian Policy Institute and Consortium with the Navajo Community College, Dean's Incentive Grant, Arizona State University, 1995.

Riding In, James. "Proposal Calling for the Creation of an American Indian Studies Department at Arizona State University." American Indian Academic Council, Arizona State University, 1993.

Riding In, James. "Voices of Indigenous Survival: 500 Years After Columbus." Graduate College, Arizona State University, 1992. Funded.

Pino, Manuel F., Pat Lauderdale, James Riding In, and David Goldberg, "A Land Apart: The America and South Africa Exhibition." Campus Environment Team (Arizona State University), Amnesty International, and The Central Arizona Chapter of the Lawyers Guild, 1992. Funded.

Riding In, James. "Indian Encounters on the Central Plains with White American Justice, 1803-1879." Dean's Incentive Grant, Arizona State University, 1992. Funded.

Riding In, James. "The American Indian Repatriation Effort: An Analysis of the Reasons for Its Successes and Disappointments in Arizona, California, Nebraska, and Several Federal Agencies." Faculty Grant-In-Aid Program, Arizona State University, 1990. Funded.

Kelly, Rita Mae, David Theo Goldberg, James Riding In, and Pat Lauderdale. "Power, Economics, and Identity: Justice and Cultural Identity." Dean's Incentive Grant, Arizona State University, 1990.

Riding In, James. "Revisiting Pawnee History, 1820 to 1875." Institute of American Cultures, UCLA, 1988-1989. Funded.

#### PRESENTATIONS AT PROFESSIONAL/SCHOLARLY MEETINGS

Presenter. "Repatriation as Spiritual Healing." Social Justice Symposium: Local to Global, University of Arizona, Tucson, AZ, April 18, 2008.

Discussant. "Indigenousness, Contested Identities, and Self-Determination." American Society for Ethnohistory, Tulsa, OK, November 8, 2007.

With Bambi Kraus. "Federal Agency Compliance with NAGPRA: Preliminary Findings." Native American Graves Protection and Repatriation Review Committee Meeting, Phoenix, AZ, October 15, 2007.

With Bambi Kraus. "Federal Agency Compliance with NAGPRA: Preliminary Findings." National Association of Tribal Historic Preservation Officers Annual Meeting, Palm Springs, CA, October 8, 2007.

Chair. "Reckoning Indigeneity." What's Next for Native American and Indigenous Studies? Scholarly Meeting, University of Oklahoma, Norman, May 4, 2007.

Panelist. "Warriors Project," The First and the Forced: Indigenous and African American Intersections Conference. University of Kansas, Lawrence, November 9, 2006.

Participant. Oklahoma Tribal College Summit, University of Oklahoma, Norman, July 27, 2006.

Co-Chair. Warriors Project Planning Meeting, University of Texas. El Paso, June 14, 2006.

Presenter. "The Snowbowl Case." Second Annual Southwest Indian & Policy Forum, Law School, University of Arizona, Tuscon, March 24, 2006.

Presenter. "After Lewis and Clark There Is Little to Celebrate." Native American Symposium, Nebraska Lewis and Clark Bicentennial Commission, Omaha, Nebraska, 2005.

Discussant. "Repatriation and Indigenous Peoples' Rights." Hidden Genocides: Second Annual Human Rights Summit at SFSU. San Francisco State University, San Francisco, CA, 2005.

Presenter. "Internment and Relocation as U.S. Federal Policy." History Fest sponsored by the Phoenix Unified School District and the Arizona Humanities Council." Phoenix, AZ, 2005.

Moderator. "Theory & Practice II: The Development of Future Knowledge Envisioning the Future of American Indian Studies." American Indian Studies Consortium Conference, Arizona State University, Tempe, 2005.

Moderator. "Current Issues in Repatriation: Protecting the Spirits of Our Ancestors." Protecting the Spirits of Our Ancestors II: Sacred Places Protection and Repatriation Conference, Santa Fe, NM. 2004

Panelist. "God and Country: The Politics of Religion." Unity Conference. Washington, D.C. 2004.

Moderator. "Who Stole American Indian Studies?" American Indian Studies Consortium Conference, Arizona State University, Tempe, 2004.

Panelist. "Approaches to Guiding Principles and Protocols to Protect Sacred Places." Summit on Consultation Protocols to Protect Native American Sacred Places. Santa Fe, NM. 2003.

Panelist. "Protecting Native American Human Remains, Burial Grounds, and Sacred Places." The American Indian Religious Freedom Act's 25th Anniversary: Past Accomplishments and Future Challenges Conference. Indian Legal Program, American Indian Studies, and Lincoln Center for Applied Ethics, Arizona State University, 2003.

Commentator. "Approaching the Frontier Paradigm in American Indian History." American History Association Conference, Los Angeles, CA, 2002.

Moderator. "AIS Faculty Panel/Challenges and Accomplishments." American Indian Studies Consortium Conference. Arizona State University, 2002.

Moderator. "What is the Responsibility of Native Intellectuals Regarding the Events of September 11?" American Indian Studies Consortium Conference, Arizona State University, Tempe, 2002.

Panelist. "Finding A Place for Civil Rights History in the National Parks Service." Organization of American History Conference. Los Angeles, CA, 2001.

Presenter. "Native Struggles for Religious Freedom." Ute Culture and History Teachers Institute. Fort Lewis College, Durango, CO, 2001.

Panelist. "Repatriation." American Indian Studies Consortium Conference, Arizona State University, Tempe, 2001.

Commentator. "American Indians in the Twentieth Century," Western Historical Association Conference, Portland, OR, 1999.

Panelist. "Repatriation, Tribal Sovereignty, and Cultural Survival." Symposium on Land, Culture and Community: Contemporary Issues in Cultural Resources Protection, Arizona State University School of Law, Tempe, 1999.

Panelist. "Repatriation." Western Hemisphere Indigenous Conference, University of California, Davis, 1998.

Respondent. Translating Native Culture: Native American Studies Conference, Yale University, New Haven, CT, 1998.

Panelist. "American Indians." Critical Race Theory Workshop, Tulane University, New Orleans, LA, 1997.

Panelist. "The Way West: Cultures in Conflict Symposium." Nebraska State Historical Society, Lincoln, NE, 1995.

Panelist. "Pawnee Repatriation Initiatives." Guidelines for the Implementing NAGPRA Workshop, U.S. National Park Service, Lawrence, KS, 1995.

Panelist. "Possible New Directions for American Indians Studies." The Future of American Indian Studies: A Commemoration of the 25th Anniversary of the UCLA American Indian Studies Center Conference, Los Angeles, 1994.

Plenary Session Panelist. "Contested Lands -- American Indian Perspectives on Religious Freedom, Sacred Sites, and the Environment." Law and Society Association Conference, Phoenix, AZ, 1994.

- Chair/Discussant. "Broken Promises and Transformative Strategies: Indigenous Rights and Socio-Legal Structures," Law and Society Association Conference, Phoenix, AZ, 1994.
- Presenter. "Intellectual Imperialism and American Indians." American Indian and Alaskan Native Professors Conference, Arizona State University, Tempe, 1994.
- Commentator. "American Indians in the West." Western History Association Conference, Tulsa, OK, 1993.
- Panelist. "The American Indian Repatriation Movement: Its Successes and Future Directions." The Sacred and Profane Conference," National Wildlife Art Museum, Jackson Hole, WY, 1993.
- Panelist. "Ethical Issues with Special Populations in Research: Research with American Indians." Contemporary Issues in Human Subjects Research: Challenges for Today's IRBs Conference, Tempe, 1993.
- Closing Remarks. "Voices of Indigenous Survival: 500 Years After Columbus Conference." Arizona State University, Tempe, 1993.
- Panelist. "Hollywood and Indians." American Indian and Alaskan Native Professors Conference, Arizona State University, Tempe, 1992.
- Panelist. "Repatriation and American Indians." Society for the Study of Social Problems Conference, Pittsburg, PA, 1992.
- Panelist. "Repatriation." Indians Making Museums Conference, Arizona State University, Tempe, 1991
- Commentator. "Repatriation of Native American Human Remains and Burial Goods." Western History Association Conference, Austin, TX, 1991.
- Panelist. "*Dances With Wolves*: A Work of Popular Culture." North Dakota State University, Fargo, ND, 1991.
- Panelist. "The History of the American Indian Repatriation Movement." American Indian Repatriation Conference, UCLA, Los Angeles, CA, 1991.
- Paper. "Murder, Justifiable Homicide, or Head Hunting? The Killing and Decapitation of Pawnee Scout Veterans in 1869." Northern Lights: Culture and History of the Northern Plains Conference, University of California, Davis, CA, 1990.
- Panelist. "Findings of the National American Indian Education Dialogue Project." American Education Research Association Conference, San Francisco, CA, 1989.
- Panelist. "Culturally Relevant Education." National Indian Education Association and American Indian Child Conferences, Albuquerque, NM, and Portland, OR, 1981.

### **Presidential, Keynote, and Commencement Addresses**

President's Address. "American Indian Studies: Our Challenges." American Indian Studies Association Conference. Tempe, AZ, February 9, 2008.

Keynote Address. "African American/Indigenous Coalition Building." The First and the Forced: Indigenous and African American Intersections Conference. Haskell Indian Nations University, Lawrence, KS, November 9, 2006.

Keynote Address. "Update on Legal Battle to Preserve San Francisco Peaks." National Association of Tribal Historical Preservation Officers, Santa Fe, NM, July 18, 2006.

Keynote Address. "Activism and American Indian Studies." American Indian Studies Graduate Students Association Conference. University of Arizona, March 2, 2006.

Keynote Address. "Repatriation." Repatriation Conference. University of Chicago, Chicago, IL, 1997.

Summer Commencement Address. "What My Haskell Experiences Have Meant to Me." Haskell Indian Junior College, Lawrence, KS, 1993.

Keynote Address. Annual Awards Night. Frank Elementary School, Guadalupe, AZ, 1992.

Keynote Address. "Indian Cultural Survival: 500 Years After Columbus." American Indian Council Banquet, Arizona State University, Tempe, 1991.

Keynote Address. "The Need for an Active American Indian Professoriate." American Indian Graduation Banquet, UCLA, Los Angeles, CA, 1991.

### **Invited Lectures**

"NAGPRA, Colonialism, and the Struggle over Culturally Unidentified Human Remains." University of Colorado Museum of Natural History, Boulder, CO, February 21, 2008.

"NAGPRA and the Struggle of Culturally Unidentified Human Remains." Native American Studies, University of New Mexico, Albuquerque, NM, February 11, 2008.

"Who is Bunkie Echo-Hawk?: A Discussion of His Pawnee Cultural Roots." Amerind Foundation Museum, Dragoon, AZ, January 19, 2008.

"Repatriation: Successes and Unfinished Business." Plains Indian Museum Seminar: Cultural Preservation: Plains Indian People and Maori." Buffalo Bill Historical Center, Cody, WY, October 13, 2007.

"I'm One of the Nags of NAGPRA: Graves, Protection, Repatriation, and Non-Indian Laws."

Comanche Nation College, Lawton, OK, December 8, 2006.

“State of Native America.” U.S. Forest Service Regional Office, Denver, CO, November 2, 2006.

“Effects of the Development of the American West on American Indians: Indian Wars and the Establishment of Reservations.” Arizona Humanities Council, Teaching American History Grant Program, Phoenix, AZ, 2003.

“NAGPRA, Repatriation and Oral Traditions.” University of Kansas, Lawrence, 2005.

“NAGPRA, Repatriation and Oral Traditions.” Haskell Indian Nations University, Lawrence, KS, 2005.

“A View of Pawnee History and Culture.” McCook Community College, McCook, NE, 2003.

“American Indian Sovereignty: A Historical View.” Arizona State University Downtown Center, Phoenix, AZ, 2001.

“The Legislative History of the Native American Graves Protection and Repatriation Act.” North American Indian Student Organization, Central Michigan University, Mt. Pleasant, MI, 1996.

“Repatriation and American Indians.” Lansing Community College, Lansing, MI, 1996.

“Repatriation and American Indians.” Student Government, Haskell Indian Nations University, Lawrence, KS, 1995.

“The Mulberry Creek Massacre.” American Indian Club, Kansas State University, Manhattan, KS, 1995.

“Native American Social Justice: An Agenda for the 21st Century.” School of Social Welfare, University of Kansas, Lawrence, KS, 1995.

“Truth, History, and Justice: A Pawnee’s Perspective.” Oklahoma State University, Stillwater, OK, 1994.

“The American Indian Repatriation Movement: Its Origins, Successes, and Failures.” University of Utah, Salt Lake City, UT, 1992.

“The American Indian Repatriation Movement: Its Successes and Failures.” Arizona State University Law School, Tempe, 1992.

“The American Indian Quest for Burial Rights.” University of California, Riverside, CA, 1992.

“Indian Quest for Equal Burial Protection under the Law.” Coalition for World Peace, Arizona State University, Tempe, 1991.

“The American Indian Repatriation Movement: A Quest for Equal and Religious Protections.” UCLA Library Committee on Diversity, Los Angeles, CA, 1991.

"Contemporary American Indian Issues." Southwest Museum, Los Angeles, CA, 1987 and 1988.

Panel Presenter. "Affirmative Action and American Indians." Minority Students' Affirmative Action Forum, UCLA, Los Angeles, CA, 1987.

"Images of American Indians." Navajo Community College, Shiprock, NM, 1982.

#### **PROFESSIONAL MEMBERSHIP**

Member. American Indian Studies Association, 2000 to present.

Member. Indigenous Professors Association, 1990 to present.

Member. American Indian Studies Association Board, 2004 to present

Member. Western Historical Association, 1999 to 2001

Member. Popular Culture Association, 1997.

Member. Ethnohistory Association, 1995.

Member. Council of Story Tellers (organization of tribal historians), 1992.

Member. Committee on the Status of Minority History and Minority Historians, Organization of American Historians, 1991 to 1993.

Member. American Indian Academic Council, Arizona State University, 1990 to present.

Member. Organization of American Historians, 1991 to 1994.

Member. American Indian Alumni Association, UCLA, 1989 to 1994.

Member. American Education Research Association, 1989.

Member. American Indian Board of Scholars, 1988 to 1990.

Member. National Indian Education Association, 1974 to 1988.

Representative. Native American Graduate Student Association, UCLA, 1984 to 1989.

Member. New Mexico Historical Society, 1979.

**UNIVERSITY, COLLEGE, AND DEPARTMENT SERVICE**

**University Service (Arizona State University)**

Panelist. "Writing Indigenous History: Opportunity and Obligations." Roundtable Discussion, Arizona State University, Department of History, 2002.

Presenter. "American Indian Sovereignty: A Historical View." Native American Lecture Series, Arizona State University, Downtown Center, 2001.

Member. General Studies Council, Cultural Diversity Subcommittee, 1999 to 2000.

Presenter. "American Indian Studies at Arizona State University." On the Edge of the Next Millennium: A Colloquium for Educators of American Indians Conference, Tempe, 1998.

Consultant. "Phase Two Technical Proposal to Fort McDowell Mojave, Apache Indian Community." A Proposal Submitted to the Fort McDowell Mojave, Apache Indian Community Council, Arizona State University, 1997.

Co-Organizer and Discussant. American Indian Policy Center and American Indian Studies Mini Conference, Tempe, 1997.

Member. Executive Board, Committee on Law and the Social Sciences, 1996 to 1998, 2000 to 2002.

Member. Intergroup Relations Center Task Force, 1996 (Arizona State University Provost's appointment).

Consultant. "The Turquoise Team Scholarship Proposal: A Proposal to the Navajo Nation." Arizona State University, 1996.

Consultant. "A River of Learning." Proposal Submitted to the Fort McDowell Mojave, Apache Indian Community Council, Arizona State University, 1996.

Faculty Advisor. American Indian Justice Studies Student Organization, 1996 to 1997.

Faculty Advisor. Students Against Discrimination, 1996 to 1997.

Faculty Advisor. American Indian Graduate Student Association, Arizona State University, 1994 to 1998.

Member. American Indian Academic Council. 1990 to present.

Faculty Fellow. American Indian Culture and Issues Campus Community, Arizona State University, 1993 to 1995.

Member. Campus Environment Team, Arizona State University, 1994 to 1995 (Arizona State University Presidential appointment).

Presenter. ASU Sun Devil Send Off, Window Rock and Tuba City, AZ, 1994.

Presenter. TA Orientation, Graduate College, 1996, 1994.

Panel Presenter. Seamless Web Student Orientation Professional Panel Discussion, Arizona State University, 1993.

Faculty Advisor. Gamma Beta Phi, Arizona State University, 1993.

Presenter. Academic Support Program Orientation, Arizona State University, 1992.

#### **College Service**

Affiliated Faculty. School of Justice and Social Inquiry. 2004 to present.

Member. College Senate, 2004 to 2007.

Chair. Director's Search Committee. College of Public Programs and American Indian Studies, 2003 to 2004.

Member. Advisory Board. American Indian Studies Program, 2000 to present.

Member. Advisory Board. Center for Urban Inquiry, 2000 to 2003.

Affiliated Faculty. American Indian Studies, 2000 to 2004.

Member. Search Committee, American Indian Studies Program, 2001 to 2002.

#### **Departmental Service**

Member. Search Committee, American Indian Studies, 2007-2008 (two positions).

Chair. Search Committee, American Indian Studies, 2007.

Member. Graduate Program Planning Committee, American Indian Studies, 2005 to 2007.

Chair. Search Committee. American Indian Studies, 2004 to 2005 (two positions).

Chair. IT Search Committee. School of Justice Studies, 2002.

Member. Undergraduate Committee. School of Justice Studies, 2002 to 2003.

Tenured Representative. Personnel Committee, School of Justice Studies, 2001 to 2002.

Member, Search Committee. School of Justice Studies, 1994 to 1995, 1998 to 1999, 1995 to 1996, 2001 to 2002.

Co-Developer and Program Administrator. American Indian Justice Studies Certificate Program, School of Justice Studies, 1993 to 1999.

Member. American Indian Justice Studies Certificate Program Executive Committee, School of Justice Studies, 1993 to 1999.

Untenured Representative. Personnel Committee, School of Justice Studies, 1991, 1992, 1993, 1994, 1995, 1996, 1997.

#### **Department Reports and Proposals**

Riding In, James. "Summary Report, American Indian Justice Studies Certificate Program." School of Justice Studies, 1994.

Lujan, Carol C., Manuel F. Pino, and James Riding In. "Proposal for the Creation of an American Indian Justice Studies Certificate Program." School of Justice Studies, 1993.

Riding In, James. "The Status of the American Indian Concentration of the School of Justice Studies at Arizona State University: Report on the ASU Indian Presence in Justice Studies." School of Justice Studies, 1992.

Riding In, James. "Proposed Concentration in American Indian Studies." School of Justice Studies, 1990.

#### **PROFESSIONAL SERVICE**

President. American Indian Studies Association, 2007 to present.

Chair. Board of Trustees, Pawnee Nation College, 2005 to present.

Member. Native American Advisory Board of the Eiteljorg Museum. Indianapolis, IN, 1998 to present.

Participant. World Indigenous Uranium Summit. Window Rock, Dinétah, December 4-7, 2006.

Invited Speaker. Four Southern Tribes [Tohono O'odham Nation, Ak-Chin Indian Community, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community] Cultural Resource Working Group Meeting, Salt River Pima-Maricopa Indian Community, AZ, September 20, 2006.

Invited Presenter and Participant. Rocky Mountain, Southwestern and Pacific Southwest Regions. Working Together: Strategy Summit. Pechanga Reservation, CA, February 1-3, 2006.

Member. Working Group on the Disposition of the Culturally Unidentifiable Human Remains, 2002 to present.

Statement. Native American Graves Protection and Repatriation Review Committee Meeting, Albuquerque, NM, November 16, 2006.

Roundtable Participant. "The American Indian Religious Freedom Act at 25." Western Social Science Association Conference, Salt Lake City, 2004.

Advisory Board Member. *Wicazo Sa Review: A Journal of Native American Studies*, 1999 to 2003.

Statement. Native American Graves Protection and Repatriation Review Committee Meeting. Seattle, WA, 2002.

Statement. Native American Graves Protection and Repatriation Review Committee Meeting, Tulsa, Ok, 2002.

Participant. A Symposium on NAGPRA: The Issue of "Culturally Unidentifiable" Remains. Arizona State University, 2002.

Participant. DMC (Disproportionate Minority Confinement Research Focus Group). Office of Juvenile Justice and Delinquency Prevention, Washington, D.C., 2002.

Member. National NAGPRA Steering Committee. American Indian Nations, 2002.

Statement. Native American Graves Protection and Repatriation Review Committee Meeting. Silver Spring, MD, 1999.

Consulting Scholar. *The Trial of Standing Bear*. Omaha Opera, Omaha, NE, 1999.

Member. Reducing Underage Drinking Advisory Committee. Native American Connections and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Phoenix, AZ, 1999.

Reviewer. *American Indian Culture and Research Journal*. 1992 to 1996.

Presenter. "Education and Social Issues." Government Indian Intertribal Conference, Omaha, NE, 1997.

Presenter. "Pawnee History and Culture." Genoa (Nebraska) Indian School Annual Reunion, Genoa, NE 1996.

Chair and Organizer. "Native Nebraskan Voices: Indian Perspectives about Historical and Contemporary Issues." Western History Association Conference, Lincoln, NE, 1996.

Panelist. "Repatriation of Indian Remains and Artifacts." Tribal Sovereignty Conference, American Indian Research and Policy Institute, Hamline University, School of Law, St. Paul, MN, 1995.

Chair and Organizer. "Enriching the Study of History: The Voices of American Indian Graduate Students." Organization of American History Conference, Atlanta, GA, 1994.

Judge. National Indian Education Association Media Festival and Student Video Contest, Oklahoma State University, Stillwater, OK, 1994.

Judge. Outstanding Dissertations Competition. National Association for Bilingual Education, Tempe, AZ, 1993.

Panel Presenter. "Stereotypes, Mascots, and Place Names: Ways in which Society Denigrates American Indians." Unity Conference, Phoenix, AZ, 1993.

#### **Museum Consultancy**

Historical Consultant. Eiteljorg Museum. Indianapolis, IN, 1998 to present.

NAGPRA Consultant. Museum of Nebraska, University of Nebraska-Lincoln, 1998 to 2003.

Historical Consultant. Western Historical Trails Center, Council Bluff, Iowa, U.S. National Park Service and Vincent Chula Design, New York, 1993 to 1997.

#### **PROFESSIONALLY RELATED COMMUNITY SERVICE**

Co-Chair. Warriors Project. National Park Service, University of Texas El Paso, 2006 to present.

Member. Genoa Indian School Scholarship Committee. Genoa, NE, 2004 to present.

Newspaper Interview. "University of Colorado Axes Ward Churchill on Charges of Academic Misconduct." *Indian Country Today*, July 27, 2007.

Pawnee Nation Representative. Tribal NAGPRA Consultation Meeting, University of Colorado Museum of Natural History, May 17 and 18 2007.

Newspaper Interview. "Racism and Sovereignty at the Borders." *Indian Country Today*, August 17, 2006.

Pawnee Nation Representative. Plains Regional NAGPRA Consultation, Colorado Historical Society, Denver, CO, March 21-22, 2006.

Retained Expert Witness. *Hualapai Tribe, Norris Nez, and Bill Bucky Preston v. U.S. Forest Service et al.* DNA. People's Legal Services, Inc., August to December 2005. Provided services pro bono.

Speaker. NAGPRA at Fifteen Banquet. National Tribal Historical Preservation Officers. Albuquerque, NM, November 16, 2005.

Radio Interview. "Repatriation," *Native America Calling*, November 16, 2005.

- Presenter. "NAGPRA-Native American Graves Protection and Repatriation Act." Native American Heritage Month Speakers Series, Scottsdale Community College, Scottsdale, AZ, 2004.
- Pawnee Nation Delegate. NAGPRA Consultation Meeting. University of Kansas, Lawrence, KS, 2004.
- Pawnee Nation Delegate. NAGPRA Consultation Meeting, University of Kansas, Lawrence, KS, 2003.
- Pawnee Nation Delegate. NAGPRA Consultation Meeting. Fort Berthold Reservation, White Shield, ND, 2003.
- Historical and Cultural Researcher and Consultant. Pawnee Nation of Indians, Pawnee, OK, 1989 to present.
- Organizer and Supervisor. Wassaja History and Culture Restoration Project. Fort McDowell Mojave, Apache Community, AZ, 1997 to 1999.
- Historical and Cultural Researcher and Consultant. Native American Rights Fund, Boulder, CO, 1989 to 1994.
- Program Planner. Select Committee on Indian Affairs, United States Senate, Proposed Amendments to the American Indian Religious Freedom Act Hearings. Salt River Indian Community, AZ, 1993.
- Radio Interview. "American Indian Gaming." Pat McMahan Show, KTAR, Phoenix, AZ, 1992.
- Radio Interview. "American Indians in Academe." American Indian Airwaves, KPFK, Los Angeles, 1986.
- Presenter. "American Indian History and Culture." Mira Costa High School, Academic Decathlon Program, Redondo Beach, CA, 1989.
- Panel Presenter. "The Columbus Quincentenary and American Indians." Inner City Center, Los Angeles, 1989.
- TV Interview. "Contemporary Problems Confronting American Indians." *Weekend Gallery*, Channel 5, KTLA, Hollywood, CA, 1988.

## **RECOGNITION AND AWARDS**

- Featured Writer. National Museum of the American Indian Writer's Series, Washington, DC, December 2006.
- Certificate of Appreciation in Recognition of Valuable Contributions to "Protecting the Spirits of Our Ancestors II: Sacred Places Protection and Repatriation Conference, 2004.
- Certificate of Appreciation for the American Indian Justice Studies Certificate Program Internship Placement Program, Arizona Commission of Indian Affairs, 1999.

Certification of Appreciation for Assisting in the Recovery of Pawnee Remains for Proper Reburial,  
Pawnee Nation of Oklahoma, 1995.

Student Affairs Recognition for Significant Contributions to the Quality of Life for Students at Arizona  
State University, 1992 to 1998.

Research Project for Homeless People Grant Award, Arizona State University, 1992.

Service Award (School of Justice Studies Nominee), College of Public Programs, Arizona State  
University, 1992.

National University Correspondence Education Association Award (Arizona State University Nominee),  
1992.

Faculty Aid-In-Grant Research Award, Arizona State University, 1991.

Institute of American Cultures Research Award, UCLA, 1990.

Ford Foundation Dissertation Fellowship, 1989 to 1990.

Teaching Assistantship, Department of History, UCLA, 1988 to 1989.

Institute of American Cultures PreDoctoral Fellowship, UCLA, 1986 to 1988.

Sequoyah Fellowship, Association on American Indian Affairs, 1987 to 1988.

Graduate Advancement Program Award, UCLA, 1983 to 1984 and 1986 to 1987.

American Indian Leadership Program Fellowship, U.S. Department of Education, 1984 to 1985.

Fellow, Summer Institute for the Study of American Indians in American History, Newberry Library,  
Chicago, IL 1982.

Who's Who among American Junior Colleges, Haskell Indian Junior College, Lawrence, KS, 1974.

# EXHIBIT 4

"Curtis Rhodes" <rhodesc@needvilleisd.com>

05/29/2008 11:20 AM

To "Michelle Betenbaugh" <MBetenbaugh@missouricitytx.gov>

cc "JEANNA SNIFFIN" <SNIFFINJ@needvilleisd.com>

Subject RE: Native American students and long hair

Ms. Betenbaugh,

The best avenue to address your concern with our dress code is to meet with you. Even though we are a "rural" school community, we are well aware of various cultures and religions along with the ACLU, ACLJ, and many other interest groups.

The earliest I have in my schedule is June 9<sup>th</sup> or 10<sup>th</sup>. If you wish for the principal to be present in the meeting we would need to meet on the 9<sup>th</sup> or wait until the week of the 16<sup>th</sup>. Feel free to respond back electronically or via telephone at 979-793-4308.

Thank you for your interest in Needville ISD,  
Curtis Rhodes

**From:** Michelle Betenbaugh [mailto:[MBetenbaugh@missouricitytx.gov](mailto:MBetenbaugh@missouricitytx.gov)]  
**Sent:** Thursday, May 29, 2008 10:43 AM  
**To:** [rhodesc@needvilleisd.com](mailto:rhodesc@needvilleisd.com)  
**Subject:** Native American students and long hair

Hello, my family is moving to Needville soon and our five year old son will be enrolling in the elementary school. He is Native American and has long hair in accordance with his father's beliefs. This is a part of their religion and is a right protected under the American Indian Religious Freedom Act. I have contacted Jeanna Sniffin by email about this and she has stated that his long hair is not permitted. I have also contacted the Texas branch of the ACLU in reference to this since it is a violation of my son's rights to freedom of expression and religion.

I don't want to cause a fuss, I only want my son to be allowed to attend public school like everyone else. We keep his hair clean and neatly braided so it is not bothersome to anyone. He is an intelligent and well spoken child and is eager to start school and make

new friends. The length of his hair is no more distracting than that of a girl's hair. If a Sikh boy were to enroll in one of your schools, would you require him to remove his traditional headcovering and cut his hair also? How about a child of the Rastafarian belief system? What about yarmulukes on Jewish boys? Head scarves on Muslim girls? My son's cultural identity is no less important than that of children of any other culture and his rights are just as protected as theirs.

Please reconsider your school districts dress code policy. I doubt my son is the first Native American child to enroll in Needville ISD and I'm sure he won't be the last either. I realize Needville is a small rural community but as more neighborhoods pop up and suburbia crawls closer, you will start to notice more and more students of different cultures enrolling. It would be best to prepare yourselves now and revise certain policies so your schools are more welcoming to future students.

Here is a link to get you started, you may want to send it to your teaching staff as well. It is a good primer for how schools can be more culturally sensitive towards American Indians:

<http://www.racismagainstindians.org/>

You may also use the search application of the ACLU website to find instances where other schools have changed their policies regarding hair length, color and styles. As a product of the Texas public school systems, I found it fascinating myself.

<http://www.aclu.org>

Please let me know as soon as possible if my son will be allowed to attend school with his long hair. I'd really rather not get a lawyer involved since I am a very private person and would prefer not to be the focus of the next obnoxious media story. Ideally, my son will just be allowed to go to school like everyone else without being blocked from any activities.

Thank you,  
Michelle Betenbaugh  
832-330-9406



# EXHIBIT 5

CUT. CONSÍS

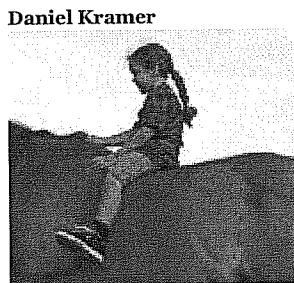


# A Native American Family Fights Against Hair Length Rules

**When five-year-old A████████ ran afoul of the Needville school district, getting cut off wasn't an option for his parents**

By Paul Knight

published: July 10, 2008



Daniel Kramer

Five-year-old A████████ says his hair tells him how long he's been here.

Subject(s):  
hair length in schools,  
Needville school district,  
Native American beliefs

Five-year-old A████████ has been mistakenly called a pretty little girl.

"No, I'm a boy," Adriel told one stranger. "I have a penis."

A████████'s long, ink-black hair caused the confusion. He's never had a haircut.

His father, Kenney Arocha, is part Native American. He teaches spiritual beliefs to his son that his grandfather and uncles taught to him. Michelle Betenbaugh, Arocha's wife and Adriel's mother, isn't Native American, but she supports raising her son as such.

"I'm an Indian," A████████ says. "How long my hair is, it tells me how long I've been here."

Currently living in Stafford, Arocha plans to move his family to Needville, a town of about 3,000 residents, 40 miles southwest of Houston. The family owns about 50 acres in Needville, and Arocha and Betenbaugh want to turn the land into a sustainable farm, teaching A████████ where food comes from and the importance of conservation.

"We like the idea of trying to minimize our impact," Arocha says.

A████████'s parents want to enroll him at Needville Elementary School. Betenbaugh sent an e-mail to the principal, asking about kindergarten and explaining A████████'s long hair. The principal replied that the district doesn't allow long hair on boys.

On June 9, the family met with Curtis Rhodes, the Needville superintendent. Rhodes asked what religion upheld that A████████ could not cut his hair. The family explained there wasn't a church or doctrine they followed, but they believe that A████████'s hair is sacred.

Arocha said that his belief is to cut his hair after life-changing events, such as mourning the death of someone he loves.

Rhodes told the family A████████'s hair would have to go.

"I've got a lot of friends that are Native-American Indians from Oklahoma, South Dakota, lot of places, some

over in Louisiana in the Choctaw Nation, and they all cut their hair," Rhodes says. "We're not going to succumb to everything and just wash away our policies and procedures."

Since the meeting, Arocha and Betenbaugh have been preparing to fight Rhodes and the school district. The family contacted the American Indian Movement, which has offered to speak to district officials. They also contacted the American Civil Liberties Union, which is deciding whether to take the case.

The superintendent has suggested a possible solution would be to put A█████ in a classroom apart from other students with his own teacher. The district has an alternative disciplinary school, but Adriel is too young to be assigned to that.

"In my 20 years in education, I've never had a kindergartner refuse to follow the rules of the school district," Rhodes says. "So this is uncharted territory for us, too."

Arocha and Betenbaugh aren't budging. They plan to take A█████ to kindergarten once the school year starts, even if his teachers send him home every day.

"In my fantasy world, I would have went in, pled my case, let them meet my son, and the community I've chosen to live in would have said, 'Hey, I want to be progressive.' Unfortunately, that isn't what happened," Arocha says. "We had one person tell us it would be easier to sell the property and move. They didn't say it maliciously. They just said it would be easier on ourselves and our son if we moved to a more tolerant - environment."

Needville promotes itself as the town "where thousands live the way millions wish they could." The slogan is painted on signs around town and posted on the city's Chamber of Commerce Web site.

The sprawl from Houston to Sugar Land to Richmond hasn't touched the community. A couple feed supply stores and a family-owned hardware store remain downtown. Needville celebrates its annual Harvest Festival in October.

The population has grown some in recent years, but Rhodes believes it's the town's old-fashioned values that keep Needville appealing.

"We have a lot of people tell us all the time that they move here strictly for the school system. This is just from the opposite side. [Arocha and Betenbaugh] want to move in, yet they want to change this part to fit how they practice or what they believe in," Rhodes says. "A school district is a reflection of the community. We've consistently been very conservatively dressed, very conservatively disciplined. It's no secret what our policy is: You'll cut your hair to the right point. You'll tuck in your shirt. You'll have a belt."

He continues, "How can it be outdated? How many doctors, professionals, lawyers, look at your military branches, look at bankers, how many of them have long hair? How many have beards? How many have body piercings all over their face?"

Rhodes graduated from Needville High School in 1983, when his father was superintendent in the neighboring town of Damon. His grandfather had been a superintendent as well.

"I've never had a hair past my ears," Rhodes says. "I'm pretty much a rule follower. I'm not out to, just because there's a rule I got to try to break it. I wasn't raised that way, I wasn't genetically put together that way. If they say do this, I'm going to do it."

When Rhodes married, he married a woman born and raised in Needville. The couple left the town when they were younger, but returned to raise their kids.

"If you want to think we're backwards...no one is asking you to move to Needville and have these opinions

invoked on you," Rhodes says. "All the kids I graduated with — there's a bunch of us back in Needville — we never thought we'd come back. Backwards isn't all that bad when you become the parent."

Arocha's father and mother didn't embrace their Native American heritage. By Arocha's calculations, his family descends from a southwestern Apache tribe that split for Mexico in the 1880s, in fear of being herded onto a reservation. His ancestors are mixed Spanish-Apache, and a DNA profile has confirmed this.

Arocha's family presented itself as Mexican to blend in with families in Rosenberg, where Arocha was raised.

But he remembers a grandfather and uncles who wore long hair and spoke of Apache culture. Arocha's hair grew long when he was a child. The day before kindergarten started, however, Arocha's mother took him to the barber for a buzz cut.

"I remember screaming, because I didn't understand. Then I went home, and my mom said I could go to school," Arocha says. "I don't fault her for it. It was easier for her; it was what was expected to do."

Arocha hasn't cut his hair since he met Betenbaugh about ten years ago. Today he owns a clothing company in which he designs corsets and other pieces of exotic clothing. Betenbaugh is his seamstress. They sell many of their designs to shops in the Montrose area.

A few years ago, Arocha had several surgeries to correct malformations in his brain, and he pleaded with the doctors not to shave his head. The doctors eventually agreed.

"When we found out Michelle was pregnant, it lit a fire under me," Arocha says. "I had tried assimilating, but it never quite worked."

"To some, long hair may seem to be a trivial issue," writes Timothy Zahniser in the *American Indian Law Review*. "What is not trivial is a study of Big Sandy...which provides an excellent academic study of constitutional personal liberty."

Zahniser's article covers a court case from about 15 years ago, when a group of students from the Alabama and Coushatta Indian tribes sued the Big Sandy Independent School District in Polk County.

The case started when a tenth grader was instructed by the principal at Big Sandy High School to cut his hair. The student refused and was sent to in-school detention. Other male students were later placed in detention for the same reason.

Parents of the students approved of the long hair, citing religious beliefs, though most of the parents openly practiced Christianity.

The judge in the Big Sandy case ruled that "the wearing of long hair for religious reasons is protected, even though it is not a fundamental tenet of Native American religion."

"To [Native American] students, the wearing of long hair can have a religious significance and can be regarded as representative of pride in their culture and traditions. Parents have a right to encourage and supervise that pride," Zahniser writes. "The right of Native American students in public schools to wear long hair should not be infringed."

The Needville school district had a taste of lawsuit over its policies in 2004. In that case, a middle-school girl wore a T-shirt displaying the phrase, "Somebody went to HOOVER DAM, and all I got was this DAM shirt."

The first day the girl wore the shirt, the principal told her to change or go home. She had an extra shirt and changed.

But the girl wore the shirt for six consecutive days. The principal continued to tell the girl to change, and her parents took her home each day.

"We'll let her come to school as long as she can wear her T-shirt," J.R. Mercer, the girl's father, told the *Fort Bend Herald-Coaster*.

The family sued for \$10,000 for each day the girl missed school, and wanted the school board to stop opening its meetings with prayer. The suit was eventually dismissed.

Rhodes wasn't superintendent during the T-shirt lawsuit, and he doesn't see any parallels between that case and Arocha's argument.

"As we look at it, we have an individual from Stafford who is unhappy, or doesn't agree with my decision that if their child were to come here, we would have him cut his hair. I haven't seen where religion comes into this yet," Rhodes says. "We want to be fair and nondiscriminatory, yet it has to have standardization to it. Otherwise, I'm going to come in and say, 'Well, my child doesn't believe in listening to teachers.' How bizarre can you get? You've got to have rules and order anywhere you go and anything you do."

---

After Rhodes ruled that A█████ would have to cut his hair, he also said the family could appeal his decision. Rhodes sent the family appeal forms, and Arocha and Betenbaugh will present a case to the Needville school board at a meeting on July 16.

"[The school board is] pretty solid, and they're proud of the Needville heritage we have here," Rhodes says. "There's a lot of school districts that have lost their discipline and all their beliefs. Needville's pretty tight about that, they're pretty tight about the traditions they have."

Arocha and Betenbaugh expect the school board to uphold the ruling, and the next step is a lawsuit. If the American Indian Movement or the ACLU doesn't provide lawyers, Betenbaugh says the family will hire its own.

"I don't want this to go to trial; I don't want them to have to waste their money to defend this," Arocha says. "They had an individual burn down part of their high school last year. I would much rather them spend their money fixing the high school than having to hire a lawyer to defend something that's constitutionally protected."

When the family started dealing with the school district, Betenbaugh launched a blog, [thestitchwitch.wordpress.com](http://thestitchwitch.wordpress.com). Rhodes says the Web site has passed through Needville like hot fire.

"There's been some statements thrown by the family about bashing Needville," he says. "I've heard about it at the feed store and downtown at the restaurants. Needville is going to stand tight and unified. We're still going to be Needville."

Arocha says that when this started, he explained the problem to A█████. And he believes that his son understands.

"I don't want to cut my hair, so we're having an argument," A█████ says. "I want to go to school. I don't know how to read. I've never gone to daycare, so I really want to go."

Arocha and Betenbaugh bought the land in Needville in October. Neither expected such a problem, but now that one exists, Arocha believes the issue has become bigger than him or A█████.

"The Native American Freedom of Religion Act was passed in 1978. I was three. I was three when my people were finally given the ability to express their religious beliefs," he says. "Here we are, 30 years later, and they

want me to give it back. I don't feel like I can waver on this."

[paul.knight@houstonpress.com](mailto:paul.knight@houstonpress.com)

# EXHIBIT 6

**Fleming Terrell**

---

**From:** rcrass@hensleeschwartz.com  
**Sent:** Monday, August 18, 2008 5:16 PM  
**To:** Fleming Terrell  
**Subject:** Re: A [REDACTED] A [REDACTED]

Yes. I am out of office today. Will confirm by letter Tue Sent via BlackBerry by AT&T

-----Original Message-----

From: "Fleming Terrell" <FTerrell@aclutx.org>

Date: Mon, 18 Aug 2008 16:29:50  
To: <rcrass@hensleeschwartz.com>  
Cc: <kfoster@hensleeschwartz.com>; Lisa Graybill<LGraybill@aclutx.org>  
Subject: Re: A [REDACTED] A [REDACTED]

Dear Ms. Crass,

We are now in receipt of the Superintendent's decision denying A [REDACTED] A [REDACTED] an exemption from Needville ISD's and Needville Elementary's dress codes. Accordingly, please advise by 5 p.m. today whether Needville ISD will provide the assurances requested in our letter of August 14, 2008.

Fleming Terrell  
Staff Attorney  
ACLU Foundation of Texas  
611 Congress Ave., Suite 320  
Austin, TX 78704  
Tel. 512-478-7300 x 128  
Fax. 512-478-7303  
www.aclutx.org

This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

The views and opinions expressed in this communication do not necessarily reflect the official positions of the staff, management and directors of the American Civil Liberties Union, the American Civil Liberties Union Foundation, its affiliates, or its chapters.

-----Original Message-----

From: Rhonda Crass [mailto:rcrass@hensleeschwartz.com]  
Sent: Monday, August 18, 2008 2:15 PM  
To: Lisa Graybill; Kristen Foster  
Cc: Fleming Terrell  
Subject: Re: A [REDACTED] A [REDACTED]

Ms. Graybill,  
It is my understanding that the Superintendent will be providing a response to the Requested Exemption today. If you are not satisfied with the response, you will be allowed to present your request to the board at the meeting posted for Wednesday, August 20, 2008.

The District is anxious to resolve this matter expeditiously as are the parents. Today is the first day back for teachers, therefore, the Superintendent has been in meetings most of the morning. I anticipate you will receive your response shortly. In any event, we requested that the agenda for Wednesday reflect any appeals to board for exemptions for the grooming code be heard so that a decision by the board would be given prior to the beginning of school.

If you have any other questions, please advise.

Rhonda Crass  
Managing Partner, Fort Worth Office  
Henslee Schwartz LLP  
306 W. 7th Street  
Suite 1045  
Fort Worth, Texas 76102

Office Phone number: 817-810-0717  
Toll Free Number: 866-810-0717  
Fax Number: 817-810-0811

CONFIDENTIALITY NOTICE: This email and attachments may contain privileged or confidential information. If this email is not addressed to you, promptly notify the sender and delete the message. Unauthorized interception of this email may be a violation of criminal law.

>>> "Lisa Graybill" <LGraybill@aclutx.org> 8/18/2008 12:12:37 PM >>>  
Dear Ms. Crass and Ms. Foster,

This email is to confirm your receipt of our letter, sent August 14 by federal express and emailed for your convenience, regarding A [REDACTED] enrollment in Needville Elementary and dress code exemption request. A second electronic copy is attached for your reference. Per your letter of August 8, we expected to hear a response to the exemption request on Friday, August 15. Please advise by 5 p.m. today whether the Superintendent has granted an exemption for A [REDACTED], and, if not, whether Needville ISD will provide the assurance requested in our August 14th letter.

Sincerely,

Lisa Graybill  
Legal Director  
ACLU Foundation of Texas  
PO Box 12905  
Austin TX 78711  
(512) 478-7300 x 116  
Fax. 512-478-7303  
[www.aclutx.org <http://www.aclutx.org/>](http://www.aclutx.org/)

This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

The views and opinions expressed in this communication do not necessarily reflect the official positions of the staff, management and directors of the American Civil Liberties Union, the American Civil Liberties Union Foundation, its affiliates, or its chapters.

From: Fleming Terrell  
Sent: Thursday, August 14, 2008 12:11 PM  
To: 'rcrass@hensleeschwartz.com'; 'kfoster@hensleeschwartz.com'  
Subject: A [REDACTED] A [REDACTED]

Please see the attached letter in response to your letter of August 8, 2008. A hard copy has also been sent by FedEx. Please let me know if you have any difficulty opening the document.

Best regards,

Fleming Terrell  
Staff Attorney  
ACLU Foundation of Texas  
611 Congress Ave., Suite 320  
Austin, TX 78704  
Tel. 512-478-7300 x 128  
Fax. 512-478-7303  
[www.aclutx.org](http://www.aclutx.org) <<http://www.aclutx.org>>

This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

The views and opinions expressed in this communication do not necessarily reflect the official positions of the staff, management and directors of the American Civil Liberties Union, the American Civil Liberties Union Foundation, its affiliates, or its chapters.

# EXHIBIT 7

HENSLEE  
SCHWARTZ  
ATTORNEYS AT LAW  
LLP

306 W. 7TH STREET  
SUITE 1045  
FT. WORTH, TEXAS 76102

AUSTIN • DALLAS • FT. WORTH • HOUSTON • SAN ANTONIO

PHONE: (817) 810-0717  
TOLL FREE: (866) 810-0717  
FAX: (817) 810-0811

RHONDA CRASS  
Equity Partner  
[rcrass@hensleeschwartz.com](mailto:rcrass@hensleeschwartz.com)

August 19, 2008

Lisa Greybill  
Fleming Terrell  
ACLU – Texas  
P. O. Box 12905  
Austin, Texas 78711-2905

Via Fax to (512)478-7303

RE: A [REDACTED] A.

Dear Ms. Greybill and Ms. Terrell:

Please let this letter serve to confirm our agreement that because the parties continue to try to reach resolution as expeditiously as possible, the District has agreed to not discipline the above referenced student until the soonest of the following occurs, the student receives an injunction to prevent his compliance from the dress code or September 22, 2008, whichever occurs first. As a part of this agreement, the parents agree to braid the student's hair and affix it to the top of his head in such manner as it does not fall below the collar pursuant to the dress code.

Additionally, with regard to the Level III hearing, the Superintendent and counsel will meet with you and your client at 5:30 at the Superintendents' office to discuss a possible resolution prior to the board meeting. If a resolution can be reached, there will be no need to proceed with a Level III meeting with the board of trustees.

In the event that we do need to proceed with a Level III, the grievance will be conducted in closed session and the Board will remain in closed session without the participants to deliberate. No vote will be taken in closed session. All matters requiring a vote will be done so when the Board reconvenes in open session. District counsel will remain with the board to ensure compliance with board policy. The grievance hearing will be

HENSLEE SCHWARTZ LLP

August 19, 2008

Page 2

ecorded and in light of the pending litigation, a court reporter will be present to ensure the accuracy of the transcript. A Level III hearing is not like a trial, as there are no calling of witnesses nor cross examination of the administration or grievant. This is an opportunity for Ms. Betenbaugh and Mr. Arocha to tell the Board why they need to grant the exemption for A█████. If you have any documents you would like the board to consider, you will need to present them prior to the hearing. The board can only consider the exemption requested and nothing further. In the event that the grievance moves forward I anticipate that the Board will allow each side approximately 15 minutes to present its information. If you need additional time, please let me know as soon as possible.

In the event you need additional information, please contact me or my associate, Kristen Foster in our Houston office.

Very truly yours,



Rhonda Crass

RCC/br

Cc: Curtis Rhodes  
Kristen Foster